

U.S.S.N. 09/738,439
Group Art Unit: 2171

REMARKS

In this Response, Applicant amends claims 1-6, 14, and 15 and traverses the Examiner's rejections. Silence with regard to any of the Examiner's rejections should not be construed as acquiescence to any of the rejections. Specifically, silence with regard to any of the rejections of the dependent claims that depend from an independent claim considered by Applicant to be allowable based on the Amendment and/or Remarks provided herein should not be construed as acquiescence to any of the rejections. Rather, silence should be construed as recognition by the Applicant that the previously lodged rejections are moot based on the Amendment and/or Remarks submitted by the Applicant relative to the independent claim from which the dependent claims depend. Applicant reserves the option to further prosecute the same or similar claims in the instant or a subsequent application. Upon entry of the Amendment, claims 1-18 are pending in the instant application.

Restriction Requirement

In the Examiner's December 10, 2002 Office Action, the Examiner separated the claims of the present application into Groups I, II, III, and IV and required the Applicant to elect one Group for prosecution.

In the Applicant's January 10, 2003 Response, the Applicant provisionally elected with traverse Group I (claims 1-18) for prosecution.

In the present Office Action, Applicant notes that the Examiner did not respond to the Applicant's provisional election with traverse in Applicant's January 10, 2003 Response. Applicant also notes that the Examiner provided a substantive examination of claims 1-18 but did not affirmatively indicate the status of claims 19-33.

Applicant respectfully requests that the Examiner respond to Applicant's provisional election with traverse and affirmatively indicate the status of claims 19-33 in any subsequent communication.

Amendments to the Claims

Applicant provisionally labels the status of claims 19-33 as "withdrawn," pending an affirmative indication from the Examiner of the status of these claims.

Applicant amends claims 1-6, 14, and 15 to address antecedent basis issues.

The claim amendments do not narrow the claims. Further, the claim amendments are not related to patentability.

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Support for the claim amendments can be found throughout the originally filed application. The claim amendments thus do not provide new matter.

Office Action ¶¶ 1-3

The Examiner rejected claims 1-3 and 6-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,474,851 to Plutowski in view of Plutowski's admitted prior art (hereinafter referred to as Plutowski's APA).

The Examiner also rejected claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Plutowski and Plutowski's APA and further in view of U.S. Patent No. 6,493,717 to Junkin.

Claims 1-18

Applicant's independent claim 1 is directed to a method of associating criterions on a page to products. Among other things, Applicant's claim 1 includes providing the criteria, receiving option selections based on the criteria, assigning membership grades to the option selections, *relating the option selections to products*, and *forming a master membership grade for the products* based on the option selection membership grades.

The Examiner stated that "Plutowski does not explicitly disclose the step of assigning membership grades to the option selections, *relating the option selections to the products*, and, *forming a master membership grade for the products* based on the option selection membership grades." (Emphasis supplied by the Applicant.) Applicant agrees with this portion of the Examiner's characterization of Plutowski; however, the Examiner also stated that "Plutowski's admitted prior art does disclose the steps of assigning membership grades to the option selections, relating the option selections to the products, and, forming a master membership grade for the products based on the option selection membership grades (see Fig 1, steps a-j, column 15, lines 1-67, column 16, lines 1-11, Plutowski [in which t]he examiner interpreting the term police as criterion)." Applicant respectfully disagrees with Examiner's characterization of Plutowski's APA.

Plutowski's APA describes mixing of two overlapping fuzzy logic policies to yield a mixed fuzzy logic policy that assigns a mixed "Degree of Membership" to "Action ID" labeled 1-5. (Plutowski Figs. 1G and IJ and Plutowski col. 3, ll. 31-33, col. 11, ll. 52-54, col. 12, ll. 20-32, col. 13, ll. 1-4, and col. 15, l. 42 to col. 16, l. 10.) Even if the Plutowski APA's assigning of

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degrees of membership to the "Action ID" labeled 1-5 may be viewed as an equivalent of Applicant's claimed *option selections*, in such an interpretation, Plutowski's APA does not relate the "Action ID" labeled 1-5 (e.g., Applicant's claimed *option selections*) to products as provided by Applicant's independent claim 1, and accordingly, Plutowski's APA cannot teach the features of Applicant's independent claim 1 that include *relating option selections to products* and further, *forming a master membership grade for the products based on the option selection membership grades*.

Neither Plutowski nor Plutowski's APA, whether considered separately or in combination, teach the features of Applicant's independent claim 1 that includes *relating option selections to products* and *forming a master membership grade for the products based on the option selection membership grades*.

Accordingly, Applicant considers independent claim 1 to be allowable. Since claims 2-18 depend from independent claim 1, Applicant also considers claims 2-18 to be allowable as depending on an allowable base claim, thereby traversing the Examiner's rejections of such claims and making such rejections moot. As such, Applicant's failure to specifically respond to the Examiner's rejections of dependent claims 2-18 does not provide, and should not be construed as, an acquiescence to the Examiner's rejections of such claims.

Based on the foregoing Amendment and Remarks, Applicant traverses the Examiner's rejections of claims 1-18 under 35 U.S.C. § 103(a).

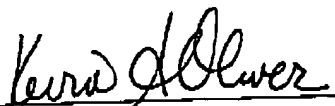
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CONCLUSION

Applicant considers the Response herein to be fully responsive to the present Office Action. Based on the foregoing Amendment and Remarks, Applicant respectfully submits that this application is in condition for allowance. Accordingly, Applicant requests allowance. Applicant invites the Examiner to contact the Applicant's undersigned Attorney if any issues are deemed to remain prior to allowance.

Respectfully submitted,
FOLEY HOAG LLP

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Kevin A. Oliver
Reg. No. 42,049
Attorney for the Applicant

Customer No. 25,181
Patent Group
Foley Hoag LLP
155 Seaport Blvd.
Boston, MA 02210
Tel: (617) 832-1241
Fax: (617) 832-7000